

1 BILL NO. R-80-10-43

2 RESOLUTION NO. R-95-80

3

4 A RESOLUTION finding, determining and  
5 ratifying an Inducement Resolution of the  
6 Fort Wayne Economic Development Commission  
7 authorizing the issuance and sale of  
8 \$300,000.00 Economic Revenue Bonds of the  
City of Fort Wayne, Indiana, for the purpose  
of inducing the Applicant, Colligan, Sheehan  
and Colligan, to proceed with the acquisition,  
construction and equipping of the Project.

9

10 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer")  
11 is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue  
12 bonds for the financing of economic development facilities,  
13 the funds from said financing to be used for the acquisition,  
14 construction and equipping of said facilities, and said facilities  
15 to be either sold or leased to another person or directly  
16 owned by another person; and

17 WHEREAS, Colligan, Sheehan and Colligan, an Indiana general  
18 partnership (the "Applicant") has advised the Fort Wayne  
19 Economic Development Commission and the Issuer that it proposes  
20 that the Issuer lease the same to the Applicant or loan pro-  
21 ceeds of an economic development financing to the Applicant  
22 for the same, said economic development facility to be a site  
23 (220 x 260) at 3737 Lake Avenue and new office building to be  
24 erected thereon (the "Project"); and

25 WHEREAS, the diversification of industry and an increase  
26 in approximately 3-5 job opportunities to be achieved by the  
27 acquisition, construction and equipping of the Project will  
28 be of public benefit to the health, safety and general welfare  
29 of the Issuer and its citizens; and

30 WHEREAS, having received the advice of the Fort Wayne  
31 Economic Development Commission, it would appear that the  
32 financing of the Project would be of public benefit to the

health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement

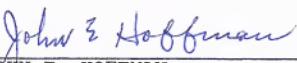
3 the aforesaid financing, or as it may deem appropriate in pur-  
4 suance thereof, provided that all of the foregoing shall be  
5 mutually acceptable to the Issuer and the Applicant; (ii) it  
6 will adopt such ordinances and resolutions and authorize the  
7 execution and delivery of such instruments and the taking of  
8 such action as may be necessary and advisable for the authori-  
9 zation, issuance and sale of said economic development bonds.

10 SECTION 4. All costs of the Project incurred after the  
11 passage of this Inducement Resolution, including reimbursement  
12 or repayment to the Applicant of moneys expended by the Appli-  
13 cant for planning, engineering, interest paid during construc-  
14 tion, underwriting expenses, attorney and bond counsel fees,  
15 acquisition, construction and equipping of the Project will  
16 be permitted to be included as part of the bond issue to finance  
17 said Project, and the Issuer will thereafter either sell or  
18 lease the same to the Applicant or loan the proceeds of such  
19 financing to the Applicant for the same purposes.

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22

23 COUNCILMAN  
24

25 APPROVED AS TO FORM AND  
26 LEGALITY SEPTEMBER 30, 1980.  
27

28   
29  
30  
31  
32  
JOHN E. HOFFMAN  
City Attorney

Read the first time in full and on motion by Sees,  
seconded by Brumfield, and duly adopted, read the second time  
by title and referred to the Committee Finance (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATE: 10-28-80

CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Mr. Lees,  
seconded by Joseph, and duly adopted, placed on its  
passage. PASSED (lost) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	—	—	<u>1</u>	—
<u>BURNS</u>	<u>X</u>	—	—	—	—
<u>EISBART</u>	<u>X</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>X</u>	—	—	—	—
<u>NUCKOLS</u>	<u>X</u>	—	—	—	—
<u>SCHMIDT, D.</u>	—	—	—	<u>1</u>	—
<u>SCHMIDT, V.</u>	<u>X</u>	—	—	—	—
<u>SCHOMBURG</u>	<u>X</u>	—	—	—	—
<u>STIER</u>	<u>X</u>	—	—	—	—
<u>TALARICO</u>	<u>X</u>	—	—	—	—

DATE: 11-25-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) No. R-95-80  
on the 25th day of December, 1980.

ATTEST:  
Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)  
Vivian H. Sch  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 26th day of December, 1980, at the hour of  
2:30 o'clock P. M., E.S.T. 1980

CHARLES W. WESTERMAN = CITY CLERK

Approved and signed by me this 12/10 day of Dec.  
1980, at the hour of 10:30 o'clock A.M.E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

R-80-10-43

BILL NO. \_\_\_\_\_

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN  
ORDINANCE finding, determining and ratifying an Inducement  
Resolution of the Fort Wayne Economic Development Commission  
authorizing the issuance and sale of \$300,000.00 Economic  
Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose  
of inducing the Applicant, Colligan, Sheehan and Colligan, to  
proceed with the acquisition, construction and equipping of the  
Project

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

*John*

*Mark E. GiaQuinta*

*Robert*

*Paul M. Burns*

*D. Schmidt*

*11-25-80*

CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

DATE

RESOLUTION OF THE FORT WAYNE  
ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Colligan, Sheehan and Colligan, an Indiana general partnership, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, and equip an economic development facility and sell or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 8800 square foot office building for the purpose of providing commercial office space, including the real estate on which it is to be located at 3737 Lake Avenue, Fort Wayne, Indiana on approximately a 1.3 acre tract of land (the "Project"); and

WHEREAS, Charles A. Colligan, Eugene I. Sheehan and Stanley P. Colligan will guarantee all bond payments, if necessary; and

WHEREAS, the diversification of commercial activity and an increase in approximately 3-5 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the competitive effect of the acquisition and construction of the facility on any other similar facility already constructed or operating in or about Fort Wayne, Indiana has been examined by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Fort Wayne Economic Development Commission:

1. It finds and determines that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that this Commission and the Issuer take such action as it lawfully may to encourage diversification of commercial activity and promotion of job opportunities in and near said Issuer.

2. It further finds and determines that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale of leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, this Commission hereby determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses,

attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same Project.

Adopted this 11th day of August, 1980.

FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION

Alfred J. Janczewski  
Frank R. Tracy  
John W. Black  
\_\_\_\_\_  
\_\_\_\_\_



THE CITY OF FORT WAYNE  
COMMUNITY DEVELOPMENT & PLANNING  
CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

September 30, 1980

Mr. Charles A. Colligan  
3435 Mono Gene Drive  
Fort Wayne, IN 46806

Dear Mr. Colligan:

You are hereby notified that the Board of Zoning Appeals of the City of Fort Wayne, at its meeting held on September 25, 1980, GRANTED AND DEFERRED the appeals taken from the action of the Zoning Enforcement Officer.

CASE NO: 95-1980-Z - An appeal to allow a special use (professional office) in an R-3 District. An appeal to allow an I.D. sign in an R-3 District. An appeal for front yard setback from 25' to 5' in an R-3 District.

The Board deferred the approval of the I.D. sign until a rendering of the sign is supplied to the Board. At that time, they will make their decision. The other two appeals were granted.

The permits necessary to begin construction of the work can be obtained in our office, Room 830, City-County Building.

Sincerely,

*Nancy C. Niemann*

Nancy C. Niemann, Clerk  
Board of Zoning Appeals

/nn



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802  
city plan commission

4 September 1980

Mr. John Hoffman  
City Attorney  
One Main Street  
Fort Wayne, IN 46802

Re: EDC Application of Colligan, Sheehan, and  
Colligan - Office Building at 3737 Lake Ave.

Dear Mr. Hoffman:

THE City Plan Commission recommended "DO PASS" on the rezoning request submitted by Edwing C. Errington for property to be used by Colligan, Sheehan, and Colligan at 3737 Lake Avenue. The request was to rezone the property at 3737 Lake Avenue from R-1 to R-3. The City Council as of this date has not take final action on the rezoning request.

An application has been filed by Charles A. Colligan with the Board of Zoning Appeals and is scheduled for public hearing on September 25, 1980. The substance of the appeal is as follows:

1. An appeal to permit an office in an "R-3" district.
2. An appeal for a front yard setback from 25' to 5' to construct an I.D. Sign and privacy fence.
3. An appeal to construct an I.D. Sign in an "R-3" district.

If the rezoning is approved by the City Council and the Board of Zoning Appeals request is granted, the use proposed by Mr. Colligan will be permitted.

Sincerely,

*Gary P. Baeten*  
Gary P. Baeten  
Senior Planner

GFB:pb

NIETER, DIXON & WHITMORE  
ATTORNEYS AT LAW

SUITE 222 UTILITY BUILDING  
FORT WAYNE, INDIANA 46802

PALL F. NIETER  
THOMAS J. DIXON  
JOHN M. WHITMORE, JR.  
MAX A. MYERS  
DENIS L. KOEHLINGER

October 16, 1980

—  
AREA CODE 219  
TELEPHONE 426-2244  
OF COUNSEL  
PAUL J. SAUERTEIG

John Hoffman, Esq.  
City Attorney  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Re: EDC Application of Colligan, Sheehan & Colligan  
To Construct Office Building at 3737 Lake Avenue,  
Fort Wayne, Indiana

Dear John:

This is to advise you that the Board of Zoning Appeals Petition was submitted and heard with approval having been given by the City Council on September 23, 1980, signature by Mayor Moses on September 26, 1980 and newspaper publications on October 4th and October 11th.

The Bill Number is Z-80-07-13.

The City Plan Commission had previously recommended a "DO PASS" on the rezoning request to rezone the property from R-1 to R-3.

If there is any additional information that is required by you, please contact me.

Sincerely,

NIETER, DIXON & WHITMORE

*Thomas J. Dixon*  
THOMAS J. DIXON

TJD/n  
cc: Mr. Colligan

# Memorandum

To Economic Development Commission Date Aug. 11, 1980  
From Paul Norby, Director of Planning  
Subject EDC Bond for Colligan, Sheehan and Colligan

COPIES TO:

This proposal for an office building does comply with Allen County's Overall Economic Development Program in that it will increase the City and County tax base and will create new jobs. Based on a \$300,000 bond, the three to five new jobs created will cost from \$100,000 to \$60,000 per job.

The goals of the Fort Wayne Comprehensive Plan to promote development adjacent to existing developed areas and for new developments to be compatible with existing and planned land uses in the area are applicable. Office development is specifically encouraged along Lake Avenue by the City's Land Use Policies.

The existing zoning of R-1 (Single Family) as given in the application is not appropriate for this project. A zoning classification to R-3 (Multi-Family) with a Board of Zoning Appeals approval for office use will be necessary before an Improvement Location Permit may be issued.

REPORT OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION CONCERNING THE PROPOSED FINANCING  
OF ECONOMIC DEVELOPMENT FACILITIES FOR  
COLLIGAN, SHEEHAN AND COLLIGAN

Having been furnished certain data by the above applicant, and having had discussions with representatives of said applicant, the Fort Wayne Economic Development Commission now submits the following report pursuant to Indiana Code 18-6-4.5-16.

Description of Proposed Facilities

Site (220 x 260) at 3737 Lake Avenue and new office building

to be erected thereon.

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Estimate of Public Services Required

All public services, including water and sewage, now exist. No public facilities will be made necessary on account of the proposed facilities.

Total Project Cost

The total project cost for the purchase, construction and equipping of the facilities is estimated to be \$ 300,000.00, including costs of issuance of the economic development revenue bonds.

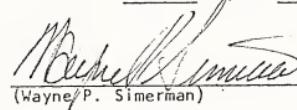
Number of Jobs and Estimated Payroll

It is anticipated there will be approximately 3-5 new jobs created by this project with an estimated payroll increase of approximately \$ 50,000.00 annually.

Adverse Competitive Effect

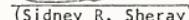
The construction of the facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near Fort Wayne, Indiana.

Dated this 22nd day of August, 1980.

  
(Wayne P. Simerman)

  
(Jack Green)

  
(Louis R. Dinwiddie)

  
(Sidney R. Sheray)

  
(Donald B. Fisher)

Date August 11, 1980

To: Economic Development Commission

Subject: Colligan/Sheehan/Colligan EDC Request

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I have briefly reviewed the above name EDC request and find no problems with it.

Frank W. Heyman  
City Controller

  
FWH/kme

4973\*

DIGEST SHEET

R-80-10-43

TITLE OF ORDINANCE: Inducement Resolution for an issue of \$300,000.00

DEPARTMENT REQUESTING ORDINANCE: Economic Development Commission

SYNOPSIS OF ORDINANCE: A site (220 x 260) located at 3737 Lake Avenue  
and new office building to be erected thereon on application of  
Colligan, Sheehan and Colligan.

EFFECT OF PASSAGE: The construction of new office building creating  
3-5 new jobs with an estimated payroll of approximately \$50,000.00  
annually.

EFFECT OF NON-PASSAGE: None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): None.

ASSIGNED TO COMMITTEE: Finance